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No. 80-125

IN THE

# Supreme Court of the United States

FOR THE TERM ENDING OCTOBER, 1980

MORTON F. MEADS, CHRISTIAN-BULL MOOSE-FIGHTING TIGER PARTY, GEORGE W. DUNSETH,

*Appellants,*

*v.*

JIMMY CARTER, STATE OF ALABAMA, GOVERNOR OF ALABAMA, et al.

On Appeal From the United States District Court for the District of Columbia.

## JURISDICTIONAL STATEMENT

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*(In His Own Behalf)*

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No. _____

IN THE

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For The Term Ending October, 1980

MORTON F. MEADS, CHRISTIAN-BULL MOOSE-FIGHTING TIGER PARTY, GEORGE W. DUNSETH,

Appellants,

v.

JIMMY CARTER, STATE OF ALABAMA, The GOVERNOR of the STATE OF ALABAMA, STATE OF OHIO, STATE OF HAWAII, TIME, INC., et al.

On Appeal From the United States District Court for the District of Columbia

# JURISDICTIONAL STATEMENT

## QUESTIONS PRESENTED

1. Can federal courts refuse to hear any grievance and/or provide redress on technical considerations or grounds other than substantive (1st Amendment of the Federal Constitution); or refuse to hear any grievance or complaint and/or provide redress for violation of civil or constitutional rights on technical grounds only (1st Amendment); or amend, abridge, suspend, evade, prejudice, alter, reduce or minimize any constitutional right of the people, candidates or declared-candidates for public office, voters, eligible voters or the plaintifs by court order (e.g. declaring that the plaintiffs are talkative, repetitive in speech, overbearing, inarticulate, not understandable (or on concealed grounds of 'contentiousness', 'noneloquence', 'unsophistication', 'nonconformist', 'iconoclastic', 'anti-old-school-tie',

or 'bearer of unpopular, unusual or difficult problems')?

2. Can a federal court (e.g.herein U.S. District Court for the District of Columbia) dismiss motu propio, with prejudice,a complaint for violation of the most fundamental and ultimate, constitutional right (and power) of the people, or any of them (plaintiffs herein), involving the latter's right to participate meaningfully in elections for federal office on absolutely, equal terms and treatment with all other people, citizens, candidates, voters, potential voters, potential candidates, political committees, groups, organizations or parties on technical grounds that the plaintiffs (or the people) are talkative, repetitive in speech, ineloquemt, inarticulate, redundant, and therefore either do not have any constitutional rights for pro-

or 'bearer of unpopular, unusual or difficult problems')?

2. Can a federal court (e.g.herein U.S. District Court for the District of Columbia) dismiss motu propio, with prejudice,a complaint for violation of the most fundamental and ultimate, constitutional right (and power) of the people, or any of them (plaintiffs herein), involving the latter's right to participate meaningfully in elections for federal office on absolutely, equal terms and treatment with all other people, citizens, candidates, voters, potential voters, potential candidates, political committees, groups, organizations or parties on technical grounds that the plaintiffs (or the people) are talkative, repetitive in speech, ineloquemt, inarticulate, redundant, and therefore either do not have any constitutional rights for pro-

tection and enforcement by the Federal Judiciary, or have lost them because of the alleged, personal deficiencies; or have by such alleged technicalities (if true) lost their right to judicial review of controversy under Article III and the 1st Amendment of the Federal Constitution? (Also applicable - Article IV, Section 1, clause 1; 14th Amendment, clause 1).

3. Can a federal court do either of (1) or (2) above when not even one of the defendants answered the complaint or opposed it (to our knowledge) and are therefore in default?

4. Is the complaint in Civil Action 80-1095 in the U.S. District Court for the Dist. of Columbia truly prolix, redundant and unintelligible within the meaning of constitutional law, or so unclear that the reader doesnot know what the complaints, causes of action and the redress sought are; or repetitive of

'causes of action' and 'particular issues or complaints' and 'prayers'?

5. Are federal judges, including Supreme Court justices, liable for violation of the Civil Rights Acts when they use their official position to protect and insure continuance of a violation of civil, human or constitutional rights; or impeachable therefor for committing a high crime? (Article I, Section 3, clauses 6 and 7; Article II, Section 4)

6. Can the plaintiffs maintain a controversy in federal court and later appeal directly to the Supreme Court of the United States(involving violations of their constitutional rights) under 28 U.S.C. Section 1253, 1343(3), 2281, 2282, 2284; and/or 42 U.S.C. 1981, 1983, 2000a(d); and/or 2 U.S.C. 437h, 452; and/or 47 U.SC. Chapter 5?

7. Can the appellants require the Supreme Court to protect and enforce

their constitutional rights on the grounds that federal law requires the courts to give immediate attention and priority to resolution of cases involving elections, election campaigns and related matters pursuant to 2 U.S.C. 437h; and because the refusal of the Federal District Court to protect the constitutional rights of the plaintiffs would make some vital issues moot if not resolved quickly thus placing the onus upon the judiciary as accomplice or principal for such violations?

---

1. All reference herein to the Supreme Court means the Supreme Court of the United States.

2. In this Jurisdictional Statement the word 'candidate' is deemed to mean any person who intends to become a candidate or is attempting to have his name on a ballot.

3. Use of the word 'people' is also intended to include 'voters', 'eligible voters', 'registered voters', 'nonvoters', 'candidates for public office', and 'those trying to be listed on ballots as candidates', and 'the plaintiffs-appellants', and to 'taxpayers'.

8. Can the appellants maintain a complaint against all the States of the United States and their respective Governors covering all aspects of their election laws that are covered by the causes of action in Civil Action 80-1095 in the District Court without being accused of being redundant and unintelligible (what good would it do the plaintiffs in an election for President to complain against only one State when in fact all the States have the same type election laws that violate the constitutional rights of the people in the same ways, the differences being only a matter of 'extent' and 'degree'. In election matters every State would insist on having an order applicable to itself (unlike Brown v. Bd. of Education)?

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4. References to 'complaint' or 'basic complaint' mean Civil Action No. 80-1095 in the U.S. District Court for the District of Columbia.

9. Can an action for redress of the deprivation of the constitutional right to equal protection brought pursuant to 42 U.S.C. 1981, 1983 and Title 28, U.S.C. Section 1343(3) be precluded or limited in anyway by claims of a federal judge that the plaintiffs are prolix and redundant and unintelligible without that judge having more than a meager knowledge of what the election laws of the Fifty States actually are?

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5. References herein to 'plaintiffs' mean 'appellants' herein, and references to 'appellants' mean the 'plaintiffs' in Civil Action No. 80-1095 in the U.S. District Court for the District of Columbia.

6. Reference to the 'States' or 'Fifty States' means the States of the United States of America.

7. Use of the words 'Amendment', 'Constitution', 'Federal Constitution' refer to the Constitution of the United States of America.

8. All use of the words 'District Court' refers to the United States District Court for the District of Columbia.

9. All case citations and authorities refering to 'race' or 'racial discrimination are cited subject to the substitution of the word 'creed', 'political opinion' or 'political creed' for the word 'race'.

10. Do the 'quality' stipulations of the Constitution apply to all treatment, laws, rules, regulations, and acts of any government, government officials, and to ballot-listing, candidates, the people, voters, political parties, groups, committees or organizations, or any of them?

11. Is the 'equality' required by the Constitution specific or only 'relative' when applied to elections, election processes and procedures, ballot-listing, and the exercise of the people's right to exclusive, unimpaired, electoral judgment, choice and selection of candidates and sponsoring political parties or groups?

---

10. Use of the words 'political parties' refers to all political organizations, groups, committees and/or those alledged to be such.

11. Useof the word 'elections' also includes and means 'election processes', 'election procedures', 'ballot-listing', 'election campaigns'.

12. The words 'government' and 'government official' (or the plural) refer to the Government of the United States and the Governments of all the States of the United Statesand branches.

12. Is the claim of the appellants in trial court correct that the States and the government cannot interfere in, obstruct, reduce, prejudice, minimize, neutralize, sabotage, limit, restrict, amend, evade, immobilize, inactivate or abridge the constitutional right of plaintiffs or any candidate for federal office to absolute, equal treatment with any candidate of the Democratic or Republican Parties; and consequently to 'equality of treatment' in ballot-listing?

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13. Henceforward the use of the word 'abridge' (preferred by the Constitution) will be intended to mean 'obstruct', 'sabotage', 'prejudice', 'reduce', 'limit', 'restrict', 'minimize', 'neutralize', 'evade', 'immobilize', 'inactivate' and/or 'amend'.

14. The words 'prejudgment', 'prescreening', 'preanalysis', 'predetermination', 'government proxy voting', 'preliminary decision-making for the people' are intended to mean the screening of candidates and political parties by government officials prior to their being submitted to the people for voting or selection on ballots, or the exclusion of them from the ballot; and henceforward the word 'prescreening' will be used to mean all of these considerations.

13. Is the claim of appellants in the trial court meritorious that the people have the constitutional right to 'maximum and full choice and judgment' as to who they wish to give their vote to for a federal office, and that such judgment and choice cannot be abridged in any way whatsoever by prejudgment, prescreening, preanalysis, predetermination, government proxy voting, preliminary decision-making for the people, or substitution of government judgment for that of the voters, for candidates, nominees or their sponsoring political organizations by any State or government or their officials on the pretense that they are protecting the people, the States, the government, a 'major' political party, an incumbent government official, a previously victorious political party, or are rendering necessary, preliminary election services for the people,

or that any of the said entities have greater rights in the election and to ballot-listing, or that the States owe greater assistance or advantage to any other entity (e.g. the Democratic and Republican candidates) with regard to access to the ballot as candidates and to ballot-listing?

14. Is the claim of the appellants correct that the people have the unqualified and ultimate constitutional power and right to determine their government (which includes the States), its nature and character and the officials who will run their government, and which ultimate right cannot be abridged by any government, government employee or private person for any reason on any pretense?

15. Is the claim of the appellants correct that the States and the National Government and the Constitution have come into existence only because of and pursu-

ant to the people's existence and creative action; and therefore the ultimate power and rights under the Constitution is that of the people, and their power and right to effect any changes in their governments and their Federal and State Constitutions gradually or immediately, completely or partially and elect government officials whom they desire to or believe will effect the changes that they desire, including officials who promise the people that they will seek the impeachment of judges or justices who have not or will not protect the constitutional rights and power of the people, or any of them?

16. If the claims of the appellants as stated in 7 to 15 inclusive are correct, can the States or any government interfere in the election or election processes for any federal office by making prescreening of any candidate before the peo-

ple make their choice and exercise their ultimate and unqualified constitutional power and right to determine government at the ballot box after considering all the candidates (and persons who wanted to be candidates and ballot-listed) who are qualified under the Constitution; and by such prescreening restrict, prejudice, qualify and preclude the people from making freest judgment and fullest choice through his vote of the persons he wants to run or operate his government and effect the changes that he desires?

17. Is the claim of the appellants correct that the States and the Government have absolutely no constitutional or valid '<u>INTEREST</u>' or '<u>RIGHT</u>' to protect in any election whatsoever, for the simple reason that the election is precisely for the people and to enable them to exercise their ultimate, constitutional power and right to determine their govern-

ment and who they want to run it -- and it is the States and the Government that they intend to change, influence and effect by their vote? (9th and 10th Amendments and the Preamble).

18. Is the claim of the appellants correct that the various governments and their officials have already usurped the ultimate constitutional power and right of the people to determine government and will will run them by rigging a maze of laws, rules, regulations ostensibly for the benefit of the people but actually for the purpose of reducing the effect of the people's voting power upon themselves, and to minimize change or block it completely and reduce the chances that they will be removed from office or employment in the government; and that this rigging leading to prescreening is usually directed at preventing candidates from obtaining the listing of their names and politi-

cal parties on the ballot?

19. Is the claim of appellants correct that the worst and highest crime that can be committed against the people is to impair, prejudice or steal their ultimate and unqualified constitutional power and right to determine government and the officials they want to operate it, and that this highest crime has already been committed throughout the United States with impunity by all branches of all Governments -- so much so as to destroy democratic elections in the United States for federal offices and accomplish over more than half a century the same monopoly type government by the Democrat-Republican Party combine that the Communists create whenever they are allowed to ascend to State power? (Article II, Section 4, Constitution)

20. Is the claim of appellants correct that the courts, including the

Supreme Court have absolutely no discretion but only duty and responsibility in the protection and enforcement of the constitutional rights of the people, especially in regard to insuring absolute equality of treatment for ballot-listing and election processes and insuring that the people have the fullest judgment and choice possible at the polls and that their ultimate power to determine government and its officials is not impaired in any way, shape or form by any government, employee thereof, or private conspiracy? (Preamble, Article VI, clauses 2 and 3, 1st, 2nd, 9th, 10th, 13th and 14th Amendments)

21. Is the claim of the appellants correct that the federal courts including the Supreme Court and their officials are part of the Democratic-Republican conspiracy to control and monopolize government and State power and have consciously erected a web of rules, regula-

tions, laws, court orders that effectively make it impossible for any oppositionist or political party, or their candidates, to ever be elected to the office of President or compete on equal terms because they are barred from the ballot by unconstitutional, prescreening obstacles, and which contrived obstacles violate many constitutional rights of the people including: (a) equal protection, (b) equal voting power, (c) right to full and unimpaired access to the ballot as candidate or voter, (d) right to fullest and freest judgment and choice of government officials, (e) ultimate and unqualified constitutional power and right to determine government, its nature and character and the elected (and consequently the appointed) officials thereof to the fullest, most absolute and complete, (f) right to have a nonpolitical judiciary, (g) right not to have public funds or a person's own tax payments used

to support a private political party or candidate opposed to the views and objectives of the taxpayer, (h) the right not have the people's patrimony (e.g. the public air waves and television channels, interstate communications) used for the benefit of political parties and their candidates opposed to the citizen's views and objectives, directly or indirectly, in any way, even if equal time and ostensibly fair treatment are given because it is essentially impossible to ever provide 'equality of treatment' in and by uncontrolled and unprincipled media? (Article IV, Sect. 2, clause 1; 1st, 2nd, 9th, 10th, 13th (when applied to political servitude), 14th Amendments of Constitution; Civil Rights Act of 1866 and 1964; Title 26,U.S.C. Chapters 95 and 96; Title 47 U.S.C. Chapter 5)

22. Is the claim of appellants correct that the federal judges and justices are political judges appointed by Democrat

and Republican politicians whoexpect and receive political orders, decisions and favors from the courts to continue to maintain and protect the established conspiracy to transfer the ultimate, constitutional power of the people to determine and change their government at the ballot box, directly and indirectly, immediately and gradually, from the people to the Democrat-Republican monopoly -- which has and will continue to have exclusive control of and influence upon government in the United States unless it is stopped by the Supreme Court or armed people's action to regain their ursurped rights and power?

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14. The 13th Amendment is applied herein on the basis that it outlaws political slavery and servitude just as much as racial, and it is intended that the words 'political' is interchangeable with the word 'race' in the 13th Amendment.

15. All references to 'President or Vice President'mean those offices in the United States Government.

23. Whether the Governors of the States can'appoint' electors; and whether the names and/or addresses of electors and political party members must be given to the governments for election or ballot-listing purposes; and whether a presidential candidate or political party can delegate their right to name electors to the respective Governors, as the No. 1 elector in each State? (4th, 9th, 10th Amendments, Article II, Section 1, clause 2, of the Constitution)

24. Is the claim of appellants correct that lawyers, judges, legislators, government employees and a large part of the populace have become so brainwashed by the entrenched Democrat-Republican Party conspiracy and their mercenary, media, hand-maiden, sycophants that they have forgotten what true and real democracy and the parameters thereof actually are; and that the said conspiracy has been extended

to the public schools so that our children will believe that the Democrat-Republican monopoly-conspiracy is actually constitutional and beneficial -- when in fact it has limited the determination of the President of the United States to approximately four million Democrat-Republican fanatics that is later rubber stamped in a general election by about eighty million registered voters, most of whom are not Democrats or Republicans but who are forced to vote for the lesser of two evils for self protection, which brainwashing makesit difficult for the people to understand what has happened to democracy in the United States and how their ultimate, constitutional power to determine their government at the ballot box has been either neutralized, made ineffective or transferred to the Democrat-Republican monopoly-conspiracy? (Article IV, Section 2, clause 1, 14th Amendment,

47 U.S.C Chapter 5 and 26 U.S.C. Chapters 95 and 96)

25. Is the claim of appellants correct that the Rulesof Court and those promulgated by federal courts, including the Supreme Court, and orders or decisions similar to the one herein appealed, contain requirements and provisions that violate the constitutional rights of the people or aggrieved citizen by making it effectively impossible for them to have reasonable and practical access to the courts for the fulfillment of the courts' obligations to protect and enforce the constitutional and civil rights of the people and their right to seek redress of grievances under the 1st Amendment; and that the Federal Courts are out of touch with the people and want to keep it that way, and are effectively accessible only by wealthy entities and unconstitutionally favored people, such as

(no court has the right to require, or

expect that, anyone will take a pauper's oath)?

26. Whether Overseas Americans can be forced to pay taxes to the U.S. Government as long as they do not have direct representation in Congress and in the election of the President; and whether they can be bound by any U. S. laws or liable for any violation of them if they do not have said direct and equal representation (Overseas Americans receive no benefits, such as Medicare, food stamps, government assistance and protection(usually sabotage), etc.)? (14th Amendment, Article IV, Sect. 2, cl 1, 26 U.S.C. Chapters 95, 96, etc., Civil Rights Acts of 1866 and 1964)

27. Is the claim of the appellants correct that the campaign financing Act (Public Law (94-283)) provisions granting millions of dollars of public funds to the Democrat and Republican Parties and their candidates for their support and promo-

tion without the consent of the individual taxpayers whose payments are being used (reported by Time Magazine to be about sixty million dollars for the Democrat and Republican Parties for 1980) is a patent and corrupt rape of the U.S. Treasury and a violation of the constitutional rights of all the people -- except the four million fanatics who voted in the unconstitutionally, government financed, Democrat-Republican Primaries?

28. Is the claim of the appellants correct that the use of public funds by Democrat and Republican candidates to pay government fees and charges for a particular election is unconstitutional unless the same amount is given to all candidates andpolitical parties, or, those government fees and charges are waived for all candidates and political organizations? (Article IV, Sec. 2 cl 1, 14th Amendment; 26 U.S.C. Chapters 95 and 96; 47 U.S.C. Chapter 5; Civil Rights Acts

of 1866 and 1964)

29. Is the claim of the appellants correct that because of the aforecited violations of the constitutional rights of the plaintiffs, committed against them in the 1976 election (and being repeated now for the November, 1980 election), the November, 1976 election for President of the United States was patently undemocratic and therefore unconstitutional, null and void; and therefore Jimmy Carter is not the legal President of the United States?

30. Is the claim of the appellants correct that their constitutional rights are violated when the government or employee thereof uses government funds, time, facilities, property or position to work against the plaintiffs in any way regarding their election campaigns and candidacies; or does the same to assist, promote or favor the Democrat and Republican Parties or their candidates? (Article IV, Sec. 2, cl 1,

14th Amendment of the Constitution; Civil Rights Acts of 1866 and 1964)

31. Is a complaint for violation of constitutional rights dismissable legally and constitutionally on the ground that the judge or justice does not know or understand the subject; or is the judge or justice required to remove himself or be dismissed because of his ignorance and lack of intelligence? (Article II, Sec. 4; Article VI, clauses 2 and 3)

32. Is the claim of the appellants correct that the monopoly of State Power by the Democrat-Republican conspiracy and their agents is also unconstitutional on the grounds of violation of the 13th Amendment outlawing any form of slavery or involuntary servitude, the monopolization of government by the Democrat-Republican Party through rules, regulations, laws and court orders created or induced by them constituting clever and media-protected, political

enslavement of the people -- except for the approximately four million fanatics who participate in the unconstitutionally, government-financed, Democrat-Republican primaries?

33. Is the claim of the appellants correct that the refusal of any State to list the plaintiffs on their ballots for Presidential elections is a violation of Article IV, Section 1 of the Constitution if any one State of the United States approves listing, for the reason that Article IV, Section 1 requires that each and every State give full faith and credit to the acts of any other State (which act of listing by one State becomes meaningless unless all other States 'give full faith and credit thereto by also ballot-listing the same candidate because to obtain the electoral vote necessary to win, a candidate would have to be listed on all or almost all of the States' ballots)?

34. Is the claim of appellants correct that any person who meets the requirements for President cited in the Federal Constitution (e.g. 35 years of age, natural born citizen, and 14 years a resident of the United States) must be listed as a candidate for President in all States if he makes formal demand in writing to each and every State; and that no State can interpose any objection or condition other than the aforecited requisites in the Federal Constitution; and to refuse to list by any State constitutes a violation of the constitutional rights of the people and any declared candidate having those constitutional attributes, and an unconstitutional abridgement of the Federal Constitution by State action? (Article II of the Constitution)

35. Is the claim of the appellants correct that Jimmy Carter and the Democratic Party cannot constitutionally work against the listing of any candidate or

political body except on the grounds that that declared candidate does not meet the three requisites cited in the Federal Constitution; and to do so makes Carter, the Democratic Party and their agents liable for criminal prosecution for violation of the constitutional and civil rights of that candidate so sabotaged, and all the people? (See Time MagazineJUne 30, 1980 page 21, Asian Edition)(Civil Rights Acts)

36. Is the claim ofthe appellants correct that it is unconstitutional to use public funds to pay for Democrat and Republican Party primaries while refusing to make public funds available for a '<u>general open primary</u>' on precinct, county and State levels for the determination of a State candidate for President that would involve a process starting at the grass roots and be open to all the people regardless of political party or creed; and which, after the determination of the can-

didate for President of each and every State, proceed to an obviously democratic and constitutional series of run-off elections until there are only two candidates remaining for the final election specified in the Constitution for November, 1980 or any election at four-year-intervals subsequent thereto. (The only reason this hasnot yet been done is because the Democrat-Republican Party, monopoly-conspiracy doesnot want to give upits unconstitutional power and control of the elections and their government-insured victories inevitably resulting from such control)?

37. Is the claim of appellants correct that the people, democratic processes and the Constitution are better served if the government and all regular, organized media are barred completely from participating in or publishing anything about elections and election campaigns except that factual

and statistical information common to and equal for all candidates and political bodies officially released by the government elections offices; and all financial support by the government for candidates and political entities are terminated; and all financial support by private entities are prohibited completely leaving only personal, physical, individual support and assistance of the people who favor one particular candidate over others?

38. Which constitutional right is the greater and more important in elections, the ultimate, unqualified, constitutional right of the people to determine their government by having the fullest and freest judgment and choice among all the available candidates unaffected by mercenary-syndicated mediaism or the 1st Amendment right of Freedom of the Press (though true Freedom would still remain for candidates and the people) when the 1st Amendment is

being used by mercenary syndicates to aid the Democrat-Republican monopoly-conspiracy?

39. Is the constitutional provision (14th Amendment) that where any group or number of people are unconstitutionally deprived of their right to vote in federal elections (or conversely deprived of access to candidates of their own persuasion), the number of representatives of that State in Congress must be reduced to conform to the number of people who have been allowed access to the ballot apply to the situation resulting from the Democrat-Republican Party, monopoly-conspiracy where over one hundred million eligible voters are driven away from the polls because they do not want to vote for the two candidates of the Republican-Democrat combine and candidates desirable by the people are not admitted to the ballot (if so, a reduction in number of Congress members to about one half its present number would be necessary)?

40. Whether injunctive and declara-

tory relief will be issued in support of the resolution of the questions cited herein?

41. Can a person be elected President in an election that violates the constitutional rights of the people? (1st, 4th, 9th, 10th, 14th Amendments, Article IV)

42. Is the complaint subject of this appeal any less intelligible than hundreds of complaints involving anti-trust violations or those stemming from voluminous administrative proceedings and decisions?

43. Is the claim of the appellants correct that the decision of the Supreme Courtin American Party of Texas et al. v. White 415 U.S. 767, 94 S.Ct. 1296, 39 L. Ed2nd 744 (1974) utterly erroneous in prescribing constitutional interest or right in elections/in the way of making by the States prescreening of candidates for the voters so that the people's constitutional freedom and scope of choice of candidates for public

office is prejudiced or restricted so that the power of the people to determine their government and these who will run it is abridged or neutralized because their choice of candidates is limited to those who will cause little or no change in governmentand create less chance that the government employees making such prescreening and culling of candidates or declared candidates (and the political entities they support) will be effected adversely; and that this decision is the ultimate proof that the Supreme Court has become political and is part of the monopoly-conspiracy of the Democrat-Republican Party to usurp and transfer the ultimate and unqualified constitutional right andpower of the people to determine government and their officials to the States and Federal Government, as said conspiracy has already succeeded in usurping and transferring said people's right and power by a combination of con-

trived, discriminatory and unconstitutional rules, regulations, laws, acts and court orders by Democrat and Republican politicians and their agents; and that this decision is abominably, brazenly and outrageously defrauding the people of their ultimate constitutional right and power over their government and the States and makes each and every Justice of the Supreme Court liable for criminal prosecution for such violation and immediately impeachable?

44. Is the claim of the appellants correct that all the other decisions and orders of the Supreme Court since 1912 in the same tenor to one degree or another are equally unconstitutional and a high crime that should be made the subject of impeachment proceedings? (Article II, Sec. 4; Article VI, Cls. 2 and 3; 9th and 10th Amendments)

45. Is the claim of appellants correct that the States and all branches of

of government including the Supreme Court have no rights or powers in elections and election processes but only obligations, responsibilities and duties to provide the machinery so that the people can exercise their ultimate and unqualified, constitutional power and right over, and the determination of, government and the officials they want to run, influence and make changes in it, including appoint persons to the judiciary and initiate impeachment proceedings against them; and provide machinery that is nondiscriminatory, democratic, honest, devoid of gimmicks that prescreen or make choices and selections for the people that abridge the people's final choice and constitutional power (even to the extent of blocking it from operating fully and effectively against these in control of the election machinery, which is always the Democrat and Republican monopoly-conspiracy)?

46. Whether the claims made in the

basic complaint other than the amount of damages, in addition to those stated here, are meritorious? (Par. 88 of complaint)

47. Is the claim of the appellants correct that what the Democrats and Republicans have done is to duplicate the process and system that the Communists follow when they take over a government and create a one-party State (i.e. they utilize the honest and democratic system and rulesthat exist so thatthey can gain power, and then once in control they change the rules, regulations, laws and system so that only their political organization and candidates can get on the ballot, and thus be the constant victor at the polls, and thus remain in control of the government and election machinery in perpetuity) which is the same thing that the Democrat-Republican, monopoly-conspiracy has done, and which exists today?

48. Is the claim of the appellants correct that the States and government have

no constitutional right to inquire into political parties, their membership or set up any preconditions for association, existence and operation or to make any type classification of them, or to make any prejudgment or prescreening relative to their being listed on ballots, such as grading them as 'new', 'old', 'good', 'bad', likable', 'unlikable', 'major', 'minor','small', 'big', 'active', 'inactive', or make any official opinion or statement or conclusion about them in any way; and that this 'right' falls under the ultimate and unqualified right of the people to be the sole judge of what such political entities are or are not, and any opinions or statements about them are for the consideration and debate of the people, candidates, and persons-outside-government to make, expose, proclaim, claim, disclaim, represent, misrepresent about or do anything else relative thereto to influence the mind of the

people when they exercise their ultimate constitutional power at the ballot box -- and not for the State to interfere in under any pretext, such as serving the public or protecting the States and Government -- when in fact their real objective is protecting their own jobs and the political organizations they are connected with? (4th, 9th, 10th and 14th Amendments to Constitution)

49. Is the claim of the appellants correct that the organized, mercenary, media has broken the TRUST AGREEMENT whereby the people have allowed them to use the people's constitutional right of 'Freedom of the Press' and consequently became and are part of the Democrat-Republican, monopoly-conspiracy catering thereto for the sake of propriety, profit, position, political favors and other advantages and because media is constantly working to substitute 'freedom of press' on crime, gossip, scandal, personalities, society, sex, pornography for

'freedom of press' on political, governmental and international affairs matters, which latter 'freedom of the press' is the real and true 'freedom' subject of the 1st Amendment and the reason for its conception? (Also 47 U.S.C. Chapter 5)

50. Is the claim of the appellants correct that 'freedom of the press' is a people's, constitutional right, and that the people only allow organized, mercenary media to utilize their 'people's freedom of the press' so that they, the people, will be fully informed on serious matters and not afflicted by suppression of news and information; and pursuant thereto have only made the media trustees of the people's 'freedom of press', and that when the mercenary media not only default on that 'trust' but violate it by misusing that power for the purpose of suppression of bona fide political news and the promotion of information about the Democrat-Republican monopoly ex-

clusively, then the people have the right to insist that legislation and controls and court orders be instituted to see that organized, interstate, mercenary media does not violate the people's constitutional right to obtain complete information and not have much of it suppressed (i.e. anti-freedom); and that the courts should protect the people's constitutional right of 'freedom of the press' by requiring erring media to provide equality of treatment, equal time or space, and nonsuppression of news -- or no publication whatsoever, i.e. neutralization?

51. Is the claim of the appellants correct that they have the right of discovery of all material pertinemt to this case from the States and Government?

52. Is the claim of the appellants correct that they have the right to be listed on every ballot of every State of the United States for the Presidential

election in November, 1980 and for all elections thereafter when they file notice of their candidates for that office in the same manner as the Democrat and Republican Parties, as the appellants have already done; and that the appellants have a right to an immediate order of this Honorable Court to insure that that is done and that the plaintiffs and the people are not deprived of their ultima te and unqualified, constitutional right and power? (14th Amendment, Article IV, Sec. 2, Cl 1, Civil Rights Acts of 1866 and 1964)

53. Is the claim of the appellants correct that all of the election laws of all the States and all court decisions supporting them in any way, shape or form to any degree, and acts stemming therefrom, are are unconstitutional and have caused the rape of the constitutional right and power of the people to determine fully and freely their government and those who will run it -- and are therefore null and void ab initio;

and should be cut out by the Supreme Court as a cancer if real and true democratic elections and government are ever going to be regained; and the guilt of the Supreme Court for its part in usurping the power of the people between 1912 and this time is to be ameliorated?

54. Whether or not the people have the right to keep and bear arms under the 2nd Amendment of the Federal Constitution for the purpose of protecting their liberty in the form of their ultimate, unqualified, constitutional power and right to determine, and effect changes in, their governments and its officials by completely honest, democratic and nondiscriminatory elections and election processes ; and if so, whether the preservation of the people's liberty by bearing arms includes the take over of the Supreme Court, The Congress and the Presidency if those branches of government fail or refuse to protect and implement the con-

stitutional rights and powers of the people, or worse work against them? (The Constitution makes itself the Supreme Law of the Land and requires Legislators, Justices and the President to swear to support and protect it, asformulated by the people)

55. Whether the trial jury requested in the U.S. District Court can be and will be constituted into a grand jury to consider indictments against all government employees proven to have violated the constitutional and civil rights of the appeallants herein?

56. Whether the plaintiffs-appellants are entitled to an award of damages for any of the offenses complained of?

## PARTIES TO THE CASE IN THE COURT WHOSE JUDGMENT OR ORDER IS SOUGHT TO BE REVIEWED

The names of the plaintiffs are stated on the cover of this Jurisdictional Statement.

The names of the defendants are quoted below from the complaint:

"STATES OF ALABAMA, ALASKA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, HAWAII, IDAHO, ILLINOIS, INDIANA, IOWA, KANSAS, KENTUCKY, LOUISIANA, MAINE, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, NORTH DAKOTA, OHIO, OKLAHOMA, OREGON, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, TEXAS, UTAH, VERMONT, VIRGINIA, WASHINGTON, WYOMING, FEDERAL COMMUNICATIONS COMMISSION, FEDERAL ELECTIONS COMMISSION, JIMMY CARTER, SOLICITOR GENERAL OF THE UNITED STATES, THE ASSOCIATED PRESS, UNITED PRESS INTERNATIONAL, NEW YORK TIMES NEWS SERVICE, WASHINGTON POST-LOS ANGELES TIMES NEWS SERVICE, NORTH AMERICAN NEWSPAPER ALLIANCE, COPLEY NEWS SERVICE, GANNETT NEWS SERVICE, AGENCE FRANCE PRESSE, REUTERS NEWS SERVICE, ALLIED FEATURES SYNDICATE, BELL-MCCLURE SYNDICATE, NATIONAL NEWSPAPER SYNDICATE, INC., NEWSWEEK FEATURE SERVICE, TIME/LIFE EDITORIAL SERVICES, NEWSPAPER ENTERPRISE ASSOCIATION, INC., CHICAGO-TRIBUNE-NEW YORK NEWS SYNDICATE, INC., HEARST HEADLINE SERVICE, KING FEATURES SYNDICATE, DAVID LAWRENCE ASSOCIATES, NEWHOUSE NATIONAL NEWS SERVICE, UNITED FEATURE SYNDICATE, INC.,

COLUMBIA BROADCASTING COMPANY, INC., AMERICAN BROADCASTING COMPANY, INC., NATIONAL BROADCASTING COMPANY, INC., MUTUAL BROADCASTING COMPANY, INC., JIMMY CARTER AND ONE DOE TO FIFTY DOE INCLUSIVE ARE THE RESPECTIVE GOVERNORS OF THE DEFENDANT FIFTY STATES"

The addresses of the defendants have been omitted for brievity.

RULE 15.1 (c)

The Table of Contents and Authorities areplaced at the beginning as required by Rule 33.5.

REFERENCE TO THE OFFICIAL OPINIONS OR REPORTS DELIVERED IN THE COURT BELOW

There have been no opinions or reports, official or unofficial in the courts below on the matter subject of this Jurisdictional Statement. There hasbeen only an Order of dismissal, motu propio with prejudice and a denial of a motion for reconsideration.

GROUNDS ON WHICH JURISDICTION OF THIS COURT IS INVOKED

This is an appeal from an order of dismissal by the U.S. District Court for the

District of Columbia, with prejudice, motu propio, without any of the defendants ever having answered the complaint to our knowledge and without any proceedings except the filing of several ex parte motions by the plaintiffs which were never resolved. The complaint is for declaratory and injunctive relief and damages involving violations of the constitutional and civil rights of the plaintiffs (appellants herein) and the people by the Federal Government and every State of the United States, officials thereof and the media defendants. The Governors of all Fifty States are also defendants. The complaint against the Federal Government is for illegal and unconstitutional use of government funds and facilities to aid and abet the Democrat and Republican Parties and their candidates and to oppose and sabotage the Christian-Bull Moose-Fighting Tiger Party

AND ITS CANDIDATES, AMONG OTHER THINGS.
The States and their respective Governors as John Does (One Doe to Fifty Doe) are sued for refusing to list plaintiffs on their respective state ballots for the office of President in the 1976 election and apparently intending to do the same for the 1980 presidential election by making and using impossible, arbitrary, unreasonable, unfair, discriminatory, undemocratic requirements for ballot-listing that the defendants do not apply to or require from the Democrat and Republican Parties and their candidates, thus denying equal treatment and protection to the plaintiffs. This is accomplished by various contrived, unconstitutional rules, regulations, laws and acts that amount to a conspiracy to defraud, and the actual defraudation of, the people and the plaintiffs of their constitutional rights to 'equal treatment and

PTOTECTION', 'nondiscriminatory and democratic elections and proceedings', 'equal access to the electorate and maximum choice for the people' and 'sole and absolute control and determination of their government officials and consequently the nature and character of their governments'. The media is charged with using interstate and commercial communications to aid and abet the Democrat-Republican monopoly-conspiracy and to suppress all bona fide news and information about the Christian-Bull Moose-Fighting Tiger Party and their candidates; and for deceiving and lieing to the public to induce them to support the Democrat-Republican, monopoly-conspiracy and itsusurpation of the people's absolute, unqualified and ultimate power to be the sole determining factor in what kind of government and government officials they want. The nature of these

PROCEEDINGS IN THE Supreme Courtwill determine if the District Court hasillegally and unconstitutionally dismissed Civil Action No. 80-1095, and if so order the trial court to complete the trial of all issues which the Supreme Court doesnot resolve; and for the Supreme Court to resolve all issues and questions raised in this appeal and in the basic complaint except the amount of damages and to direct the trial court jury to operate as a Grand Jury and bring all indictments that the Supreme Court fails to cite or cover in its decision; and to enforce and protect the constitutional rights of appellants and the people, particularly their ultimate and unqualified, constitutional power and right to determine fully their elected officials and consequently the complete nature and character of their government (the officials having declared to the people during the campaign what amendments

to their constitution they will work for and what judges and justices they will try to impeach) -- and to terminate once and for all and preclude by the nature of its orders and judgments -- forever and ever -- the takeover and complete monopoly of all government in the United States by any political organization that seeks to and actually doescorrupt and monopolize the election machinery so that it completes and maintains absolute, monopoly, control of the government, control of and use of public funds (without the permission of the taxpayers making such tax payments) for the support and promotion of those same political organizations which control and monopolize government and keep off the ballots people who oppose this destruction of effective, real and true democracy in the United States and those who will take action to break up the subject Democrat-Republican-media, monopoly-conspiracy.

The final matter for the Supreme Court to resolve is whether the people have the constitutional right under the Second Amendment to keep and bear arms against the aforecited violations of their absolute, unqualified powers and rights when the States, the President, the Congress and the Judiciary fail and/or refuse to filfill their constitutional duty to provide such protection and enforcement; and to specifically keep and bear arms against the Congress and the Supreme Courtwhen the latter organizations become a part of any such monopoly-conspiracy to defraud and usurp the ultimate constitutional power and right to determine government and itsofficials, which is a right and a power that isinherently, obviously, logically and constitutionally residing solely and absolutely in the people, among whom are the appellants.

For the sake of completeness we here

## GROUNDS ON WHICH JURISDICTION OF THIS COURT IS INVOKED

RECITE THE LANGUAGE OF JURISDICTION OF Section 1343(3) of Title 28, UnitedStates Code:

> "1343. Civil rights and elective franchise
>
> "The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:
>
> (3) To redress the deprivation, under color of any State law, statutes, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congressproviding for equal rights of citizens or of all persons within the jurisdic tion of the United States; . . .".

In addition, a cause of action has been stated within the jurisdiction of a federal court under 28 U.S.C. 2281 and for direct appeal under 28 U.S.C. 1253, and the appellants have presented and maintained a case and controversy subject to determination by the exercise of judicial power under Article III of the U.S. Constitution.

Appellants further provide jurisdic-

tional basis under Title 2 United States Code 437h, and we quote:

"437h. Judicial Review

(a) The Commission, the national committee of any political party, or any individual eligible to vote in any election for the office of President of the United States may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality of this Act to the UnitedStates court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(b)Notwithstanding any other provision of law, any decision on a matter certified under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought no later than 20days after the decision of the court of appeals.

(c) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter

CERTIFIEDUNDER SUBSECTION (a)."

It should be specially noted that the limitations provisions, formerly codified in Title 18 by the 1971 Act and the 1974 Amendments, were deleted from Title 18 by the 1976 Amendments and added to Title 2. Former sections 608-617 of Title 18 now appear as new sections 441a-441j in Title 2.

Appellants do not believe that an action for redress of the deprivation of the constitutional right to equal protection of the laws, brought pursuant to 42 U.S.C. Section 1984 and 1981 and 2000a(d) has been precluded or limited in any way by enactment of Title II of the Civil Rights Act of 1964 which provides for injunctive relief against discrimination in places of public accommodation.

Since, among other matters, the constitutionality of an Act of Congress is in question, 28 U.S.C. 2403(a) may be

applicable. No court to our knowledge has certified to the Attorney General the fact that the constitutionality of an Act of Congress is drawn in question.

Since the constitutionality of the rules, regulations and statutes of all fifty States are drawn in question, 28 U.S.C. 2403(b) may be applicable, but the States and their respective Governors are parties. No court has certified to the State Attorney General of every or any State that their statutes have been brought into question, to our knowledge. The Solicitor General of the United States is a Party.

The date of the order of dismissal is May 6, 1980 and was entered in the District Court clerk's office on May 12, 1980 and received by the appellants on May 19, 1980. The date of the order denying reconsideration of the order of dismissal is

June 9, 1980 and entered in the clerk's office on June 13, 1980 and received by the appellants in Manila on June 23, 1980. However, without waiting for the determination of our Motion for Reconsideration, a Notice of A ppeal was filed on June 5, 1980 contingent upon the denial of our Motion for Reconsideration. Since appellants did not know that their Motion for Reconsideration was denied until June 23, 1980, they could not begin work on the Jurisdictional Statement and Appeal until that time.

The statutory provisions believed to confer jurisdiction of the appeal on this Court are quoted or cited above.

## STATEMENT OF THE CASE

Civil Action No. 80-1095 in the U.S. District Court for the District of Columbia was never tried but dismissed motu propio, with prejudice, without any hear-

ing even though no answers had been filed to our knowledge. Consequently all the issues raised in this appeal were also raised in the complaint in the trial court, directly or indirectly. The issues were raised either in the complaint or in subsequent unresolvedmotions including the Motion for Reconsideration of the dismissal. The trial court never passed upon any of the issues or questions in the complaint or motions, except the basis for dismissal which was sustained by denial of the Motion for Reconsideration.

The Christian-Bull Moose-Fighting Tiger Party was originally the Flying Tiger Party which was formedin the early 1950s. Morton F. Meads and George W. Dunseth are officers of the appellant party, are natural born citizens of the United States, over the age of 35 and have been residents of the United States for more than fourteen years. The same qualifications apply

to William L Fields (now deceased) who with Dr. Morton F. Meads were the candidates of the Christian-Bull Moose-Flying Tiger for President and Vice President respectively for the presidential election of November, 1976. Mr. Fields, holder of an M.A. in Education, was a full blooded Cherokee Indian Chief from Oklahoma.

In the 1950s Morton F. Meads and the Flying Tiger Party conceived of the New Frontier slogan and affixed it to their printed letterhead. After John F. Kennedy had been nominated for President he and his organization illegally appropriated said political slogan for their own use without the permission of the Flying Tiger Party or Morton F. Meads. The slogan caught the imagination of the voters and caused Kennedy's election to President, without which slogan he would never have been elected. Extrinsic evidence in our possession proves these facts. The corrupt

mercenary media would not print our protests or the facts and thus history has been falsified, and the people deluded.

For the November, 1976 election, the Christian-Bull Moose-Flying Tiger Party filed its organization papers and many others including petitions for listing its presidential candidates totaling over one thousand for the Fifty States, which showed universal and uniform support and coverage, together with their appointed electors but was refused listing by any State despite the fact that such papers were filed several weeks before the election and about the same time that the Republican Party notified the States by letter of their choice of candidates for the same offices.

The appellants believe that they made substantial compliance with State election requirements even though they were unconstitutional and in excess of those speci-

fied by the U.S. Constitution for those offices, which constitutional specifications cannot be increased, decreased, amended or changed by any single State action or government employee, nor by corrupted by the Democrat-Republican Party, monopoly-conspiracy and its agents.

All the rules, regulations, laws and acts of the States and government employes that prevented the Christian-BullMoose-Fighting Tiger Party from being listed on the ballots of any and all the States or which were used to accomplish that result are unconstitutional for being arbitrary, unreasonable, impossible in practice or for financing, discriminatory, undemocratic, usurping of the people's and candidates' rights and so time- and money-consuming as to destroy any aspect of equality of treatment with the Democratic and Republican Parties and their candidates. Such unconstitutional conditions further

result in prescreening, prejudgment, pre-analysis and predetermination of candidates and political parties thus transferring to the States and government employees, especially Democrat-Republicans, the ultimate, constitutional power and right of the people, of whom the appellants are a part and representative, to determine to the fullest measure their public officials and consequently their government; and which State action constitutes usurpation of the people's ultimate, constitutional power, and is unconstitutional State action discrimination against the appellants.

For the 1980 presidential elections the appellants have informed the States that they are demanding absolute equality of treatment with the Democrat and Republican Parties and their candidates, and have informed the States of the presidential and vice presidential candidates nomi-

nated at the National Convention on May 3, 1980 of the Christian-BullMoose-Fighting Tiger Party for the November, 1980 election in the same manner as the Democrat and Republican Parties determine their presidential candidates and report same to the Fifty States by letter. Several States have notified the appellants that they will not list the plaintiff's candidates and it appears that the remaining States will ignore the filings of the appellants and refuse to list as it did in 1976, thus necessitating the filing of the complaint in the district court against all the States to correct these shameful, undemocratic and unconstitutional conditions, laws and acts and provide full protection for the constitutional rights of appellants from the onslaught by the States, government officials and the media.

In addition the constitutional rights of appellants are violated by the use of

public funds for holding private primaries for the Democrat and Republican Parties on government premises and facilities. Likewise with regard to the ebezzlement by legislative action of the taxpayer's payments for the support and promotion of the Democrat and Republican Parties and their candidates, all of which make the Democratic and Republican Psrties Quasi-Government or Government politi al organizations, and combined together, as they are in their mutual interest to prevent oppositionist candidates from gaining access to the electorate, constitute a criminal, unconstitutional conspiracy to monopolize government and State power by the control of the election machinery.

The organized, mercenary media is involved in the complaint in trial court and consequently on the issues effecting them on appeal. They violate existing laws on 'equal time' and 'fairness doctrines', which in themselves are inade-

quate to insure the people and all candidates of constitutional equality of treatment. But far worse is their mercenary and corrupt use of their great power to support and promote the Democrat-Republican, monopoly-conspiracy by suppressing news about opposition, which suppression, plus support-promotion, has indoctrinated the people and brainwashed millions, including judges, justices, teachers and children into believing that the monopoly-conspiracy is actually legitimate and constitutional and even beneficial to those whose power and rights are being unconstitutionally usurped. The organized, mercenary media is the trustee of the people's right to 'freedom of the press', and instead of protecting it by utilizing it in government, political and international matters, has defaulted on this sacred right and power for the sake of pecuniary profit, personal political advantage, cronyism,

cowardice, propriety paralysis, conventionalism, 'don't be differentism', 'don't rock the boatism', and the self-congratulatory substitution of 'freedom' in reporting scandal, society, sex, pornography, family and personal matters. The great power of the media is shown by what they have done to help the Democratic-Republican, monopoly-conspiracy over a period of more than half a century destroy democratic election-processes and give the Quasi-Government, Democrat-Republiaan Party absolute control of all government inthe United States and bring about the usurpation of the ultima te and unqualified constitutional power and right of the people to solely, fully and absolutely determine the people they want to run their governments and consequently the nature and character of those governments. The media and the judiciary are the only entities that could have stopped this criminal, unconstitutional monstrocity -- but they have been

taken over by the Democrat-Republican, monopoly-conspiracy and have been utilized to the fullest to aid and abet and maintain the subject, unconstitutional usurpation of the people's power and rights. Thus leaving this appeal and the Second Amendment of the Constitution as the only remaining recourse for the people to regain their constitutional power.

In fine, government election offices are in work constituting State action discrimination. (Adickes v. S. H. Kress and Company, 398 U.S. 144; Burton v. Wilmington Parking Authority, 365 U.S. 715; Commonwealth v. Brown, 392 F.2d 120, cert. denied, 391 U.S. 921; Epperson v. Arkansas, 393 U.S. 97; Evans v. Abney, 396 U.S. 435; Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241; Hunter v. Erickson, 393 U.S. 385; Law Students Research Council v. Wadmond, 401 U.S. 154; Lombard v. Louisiana, 373 U.S. 267; Loving v. Virginia, 388

U.S. 1; McCabe v. Atchison, Topeka & Santa Fe R. Co, 235 U.S. 151; Peterson v. City of Greenville, 373 U.S. 244; Powe v. Miles, 407 F. 2d 73; Public Utilities Commission of the District of Columbia v. Pollack, 343 U.S. 451; Reitman v. Mulkey, 387 U.S. 369; Robinson v. Florida, 378 U.S. 153; Schware v. Board of Bar Examiners, 353 U.S. 232; Seidenberg v. McSorley's Old Ale House, Inc. 308 F. Supp. 1253, 317 F. Supp. 593; Shelley v. Kraemer, 334 U.S. 1; Turner v. Fouche, 396 U.S. 346; United States v. Guest, 383 U.S. 745; United States v.Price, 383 U.S. 787; U.S. v. Wong Kim Ark, 169 U.S. 649. All these cases deal with racial discrimination of one type or another except the Seidenberg case which involves sex discrimination. It is believed that the principles involved in these cases apply equally to 'political discrimination' which can only be applied privately or at the ballot box -- not in the ballot listing process.

While racial discrimination by State action is horrible, any kind of discrimination that defrauds the people and candidates of their ultimate, constitutional right and power to determine their government and the officials who will run it -- is likewise the ultimate discrimination.

The right to be free from 'political searches', and to privacy of political association is as important and sacred as any other type of privacy protected by the Constitution. Thus the State hasno constitutional right to obtain membership, organization, elector names and addresses, especially for publication, and for 'classification' purposes, political classification being as odious as any other type 'grading and classing' government operation. (Bates v. Little Rock, 361 U.S. 516; Bell v. Maryland, 378 U.S. 226; Evans v. Newton, 302 U.S. 296; Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539;

Griswold v. Connecticut, 381 U.S. 479; N.A.A.C.P. v. Alabama, 357 U.S. 449; N.A.A.C.P. v. Button, 371 U.S. 415; Poe v. Ullmann, 367 U.S. 497; Williams v. Rhodes, 393 U.S. 23).

Political slavery or servitude has never been described before as such, yet that is precisely what totalitarianism or dictatorship is. What profiteth a man to be free of an isolated slavery based on race only to be engulfed by a larger slavery based upon political ideology. While the 13th Amendment may have come into existence with 'race' in mind, the fact is that that word isnot mentioned in the amendment, therefore it is reasonable to conclude that the 13th Amendment has greater scope and value than previously attributed to it. We believe that it applies equally and fully to political servitude involuntarily suffered by the plaintiffs and at least one hundred million other citizens. (Civil

Rights Cases, 109 U.S. 3; Griffin v. Breckenridge, 91 S. Ct. 1790; Jones v. Mayer Co., 392 U.S. 409).

Equally abominable is the use of payments by taxpayers without their permission personally to support and promote political organizations and candidates opposed to the views and objectives of those taxpayers. (Flast v. Cohen, 392 U.S. 83; Simkins v. Moses H. Cone Memorial Hospital, 323 F. 2d 959 cert denied 376 U.S. 938).

The use of public funds for the support of religion is more than just taboo. The Supreme Courthas ruled against it for both private and parochial schools. How much worse is the use of public funds to promote one particular political party or two, or one with two factions, such as the Democrat-Republican, monopoly-conspiracy. Yet that is what is being done. Our children are being indoctrinated in the public schools to support the Democrat-Republican monopoly

and to believe that all other new and independent political parties or groups are not to be trusted, believed or supported and that they may, or probably will, be considered unpatriotic should they do so. Lemon v. Kurtzman, 91 S. Ct. 2105.

## STATEMENT OF IMPORTANCE AND SUBSTANTIALITY OF ISSUES

It is believed that it is obvious from the foregoing that the most fundamental questions of political existence, government operation and the rights of the people are involved -- and which may determine the election system for the next century, or forever. Even the Congress has seen fit to specify in 2 U.S.C. 437h that all federal courts must give priority to all such matters and questions involving federal elections, especially for presidential positions. In addition, the Supreme Court has the power and duty to restore full, demo-

cratic elections to the American people and end forever the Democrat-Republican usurpation of the people's ultimate, constitutional power and right. No government body has ever had such a specific and comprehensive opportunity before. It will probably be the last. The circumstances clearly indicate a course toward armed rebellion, French style. Only the Supreme Court can preclude that from happening by an insightful, unselfish, all pervasive and comprehending, judicial review and rendition.

## SHOWING OF ABUSE OF DISCRETION, RULE 15.1 (i)

This is an appeal of an order of the district court dismissing the complaint motu propio, with prejudice, thus the injunctive relief prayed for was never granted or denied, therefore the basis for the appeal hereinbefore stated shows the illegal and unconstitutional dismissal on

TECHNICALITIES OF A CASE INVOLVING VIOLATIONS of the Constitution and the holding of elections for federal offices and matters dealing with and effecting the franchise rights of the people to run for public office and to have the fullest and freest choice of their public officials without interference or prescreening.

## CONCLUSION

The lower court erroneously and unconstitutionally dismissed the complaint subject of this appeal, and therefore the Supreme Court should rescind the order of dismissal, resolve all issues in the complaint and in this appeal, order the listing of the Christian-Bull Moose-Fighting Tiger Party Presidential candidates on all ballots of all States for the 1980 elections, require absolute equality of treatment of the Christian-Bull Moose-Fighting Tiger Party, its candidates, nominees, mem-

bers and voters with that treatment given by the Government and the States to the Democrat or Republican Parties and their candidates, order the indictment of all persons violating the constitutional and civil rights of appellants, and return the basic complaint to the U.S. District Court for the District of Columbia for determination of the amount of damages.

Respectfully submitted,

Morton F. Meads
National Chairman
Christian-Bull Moose-Fighting Tiger Party
P. O. Box1094, Manila, Philippines
(In Their Own Behalf)

George W. Dunseth
Same Address, Tel. 595712-Manila
(In His Own Behalf)

Rule 15.1(j)(i) - None

Rule 15.1(j)(ii) - None

Rule 15.1(j)(iii) - Order of Dismissal quoted below:

"UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MORTON F. MEADS, et al.,

Plaintiff,

v.

STATE OF ALABAMA, et al.,

Defendants.

Civil Action No. 80-1095

F I L E D

MAY 3 - 1980

JAMES E. DAVEY, Clerk

ORDER

"Upon consideration of the complaint filed in the above-entitled case, it appearing that the complaint is prolix, redundant, and unintelligible, that Fed. R.Civ.P. 8(a) requires that a pleading which sets forth a claim for relief must contain a short and plain statement of the claim and that each averment must be "simple, concise and direct," (See Hutter v. Schramil, 51 F.R.D. 519 (E.D. Wis. 1970)) and that dismissal of the complaint for failure to comply with Fed.R.Civ.P. is appropriate in this case (See Bertucelli v.

Carreras, 467 F. 2d 214 (9th Cr. 1972)), it is this 6th day of May, 1980

ORDERED That the above-entitled case be and it ishereby dismissed with prejudice."

(Sgd) Harold H. Greene

"Harold H. Greene
United States DistrictJudge"

Order of denial of Motion for Reconsideration quoted below:

"UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MORTON F. MEADS, et al.,
Plaintiff,
v.
JIMMY CARTER, et al.,
Defendants.

Civil Action No. 80-1095

F I L E D

JUN 10 1980

JAMES F. DAVEY,Clerk

ORDER

"Upon consideration of plaintiff's Ex Parte Motion for Reconsideration, it appearing that plaintiff has not shown any additional facts or legal arguments which warrant reconsideration of this Court's Order of May 6, 1980, it is this 9th day of June, 1980,

ORDEREDThat plaintiff's motion be and it is hereby denied.

(Sgd.) Harold H. Greene

"Harold H. Greene
United States District Judge"

Rule 15.1(j)(iv) - Notice of Appeal is quoted below:

"UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| MORTON F. MEADS, CHRISTIAN-BULL MOOSE-FIGHTING TIGER PARTY, GEORGE W. DUNSETH,<br>Plaintiffs,<br>v.<br>JIMMY CARTER, STATE OF ALABAMA, ET AL.,<br>Defendants. | Civil Action No. 80-1095<br>For:<br>Declaratory Mandatory and Injunctive Relief and Damages |

"CONTINGENT NOTICE OF APPEAL
TO THE SUPREME COURT

"COMES NOW THE PLAINTIFFS, in their own behalf, and to this Honorable Court respectfully give Notice of Appeal of Dismissal With Prejudice, Motu Proprio, by Order dated May 6, 1980 promulgated on May 8, 1980 if the Motion for Reconsideration of that Order of dismissal is denied.

"Whatever fees and bonds are required for this appeal will be filed as required. The said Order of dismissal was received in Manila on May 19, 1980.

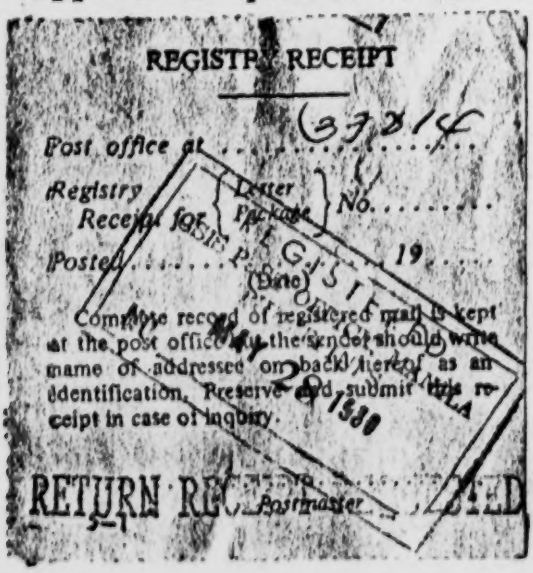
"May 26, 1980; Manila, Philippines
For Washington, D. C., USA

"CHRISTIAN-BULL MOOSE-FIGHTING TIGER PARTY
Represented by its National Chairman ---
Morton F. Meads

and

MORTON F. MEADS
Plaintiff
(In Their Own Behalf)
P. O. Box 1094, Manila, Philippines
THE NEW FRONTIER ADDRESS
Tel. 595712-Manila-Dunseth"

The Registry Receipt for filing by mail Notice of Appeal is quoted below:


REGISTRY RECEIPT

Post office at .....

Registry Receipt for { Letter / Package } No. .....

Posted ..... 19 ....
(Date)

Complete record of registered mail is kept at the post office and the sender should write name of addressee on back hereof as an identification. Preserve and submit this receipt in case of inquiry.

RETURN RECEIPT REQUESTED

Postmaster

A letter of Deputy Clerk Margaret Whitacre of the U. S. District Court for the District of Columbia is quoted below:

"Clerk's Office
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Washington, D.C. 20001

"June 6, 1980

"Mr. Morton F. Meads
P. O. Box 1094
Manila, Philippines

Dear Mr. Meads:

"Your Notice of Appeal to the Supreme Court was received and filed in our court on June 5, 1980. There is a $5.00 filing fee due; your appeal to the Supreme Court cannot be processed until we receive this fee.

"I would suggest that you contact the Supreme Court to find out the filing fee required by that Court.

"JAMES F. DAVEY, Clerk

By: (Sgd) Margaret Whitacre
Deputy Clerk"

Rule 15.1(j)(v) - The quotations required by Rule 15.1(f) are quoted below.

The Statutes, Rules and Regulations of the Fifty States on elections are so numerous and voluminous that they could not even be practically assembled; and are in fact the subject of a Motion for Discovery filed in the complaint in the trial court, but which may not be entered for reasons that we will oppose, and which motion

the appellants seek to have the Supreme Court resolve immediately.

Other Statutes are quoted in the body of the Jurisdictional Statement, and the page numbers are shown in the Table of Authorities.

Constitutional provisions are quoted below:

"PREAMBLE

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

. . . . . .

ARTICLE I, Section 3, Clauses 6 and 7

"6. The Senateshall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

"7. Judgment in cases of impeachment shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust or profit

Constitutional Provisions (Continued):

under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law."

ARTICLE I, Section 8, Clause 3

"3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; . . ."

ARTICLE II, Section I, Clause 2

"2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector. x x x"

The remainder of the above clause was superseded by the Twelfth Amendment which was later amended by the Twentieth Amendment, Section 3.

ARTICLE II, Section 1, Clause 7

"7. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.""

ARTICLE II, Section 4

"The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

ARTICLE III, Judiciary

This article specifies that the judges of both the Supreme Court and inferior courts shall hold office during good behavior, and it specifies that theSupreme Court has appellate jurisdiction of all cases wherein the United States is a party, or between any States and citizens of other States, and between citizens of different States, thus the Supreme Court has clear appellate jurisdiction in the above-entitled case.

ARTICLE IV, Section I

"Section 1--Each State to give credit to the public acts etc. of every State.

"Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof."

Constitutional Provisions (Continued):

ARTICLE IV, Section 2, Clause 1

"1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

ARTICLE VI, Clause 2

"2. This Constitution, and the la ws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding."

ARTICLE VI, Clause 3

"3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

"AMENDMENT I.

"Religious establishment prohibited. Freedom of speech, of the press, and right to petition.

Constitutional Provisions (Continued):

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

"AMENDMENT II.

"Right to keep and bear arms.

"A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

"AMENDMENT IV.

"Right of search and seizure regulated.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

"AMENDMENT IX

"Rule of construction of Constitution

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

"AMENDMENT X.

"Rights of States under Constitution.

Constitutional Provisions (Continued):

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to thepeople."

"AMENDMENT XIII.

"Slavery abolished.

"1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject of their jurisdiction."

"AMENDMENT XIV.

"Citizenship rights not to be abridged.

"1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers

Constitutional Provisions (Continued):

of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

The above quotations are all taken from the original Constitution and original amendments thereto. Some changes are obvious, such as the amendments reducing the voting age to 18 and the extension of the voting franchise to women. For purposes of the basic complaint and this appeal, the 'right to vote' is considered to mean the 'right to be voted for', and the 'right to vote for persons of one's own full and free choice and not just those those persons approved or put to the voter by the State or the Government'.

STATUTES, FEDERAL AND STATE:

The basic complaintcharges both the

STATUTES (Continued):

acts and the laws of the States and the Federal Government asunconstitutional. Therefore, if the acts are unconstitutional, the laws authorizing such acts are equally unconstitutional. Consequently, if theSupreme Court finds that the acts complained of our unconstitutional all of the rules, regulations and laws supporting such acts will become null and void officially. It is not necessary to cite each and every one of them or to quote multivarious phrases and provisions thereof that authorize the acts complained of as being unconstitutional. Just as in Brown v. Board of Education, the decision of the Supreme Court cut out inumerable laws throughout the States which were never even brought to the attention of the Court. After Brown v. Education, all such laws simply become unenforceable. So it will be with the Federal Elections Campaign Financ-

STATUTES (Continued):

ing Act and Amendments; and the laws on taxation and use thereof; and the laws on public financed primary elections for private parties; and the laws on public owned air waves and television channels and other interstate communications facilities used for political broadcasts and support of or opposition to any political candidates or organizations; and the laws on 'equal time' and 'fairness' in media; and the laws on mercenary, organized, syndicate, artificial, profit-seeking media in electioneering. The questions raised about the acts will settle also the constitutionality of the laws, rules and regulations. If the Supreme Court cannot or will not declare the acts complained of unconstitutional, then the detailed wording of the laws, rules, regulations complained of is of no consequence. In addition, the laws prohibiting, inhibiting, prejudicing the use of the mails in the exercise of freedom of press (expression) by the people,with-

STATUTES (Continued):

out first obtaining permission of certain government offices, both for the content of the 'written expression' and the 'use of the mails' would also be negated if the acts themselves are declared unconstitutional.

QUOTATIONS FROM CASES:

Burton v. Wilmington Parking Authority, 365 U. S. 715 at 722:

> Because the virtue of the right to equal protection of the laws could lie only in the breadth of its application, its constitutional assurance was reserved in terms whose imprecision was necessary if the right were to be enjoyed in the variety of individual-state relationships which the Amendment was designed to embrace. For the same reason, to fashion and apply a precise formula for recognition of State responsibility under the Equal Protection Clause is an 'impossible task' which 'This Court has never attempted.' . . . . Only by sifting facts and weighing circumstances can the nonobvious involvement of the State in private conduct be attributed its true significance."

It should be mentioned that there is no question about 'State Action' in the acts complained of, only the matter of discrimination.

Civil Rights Cases, 109 U.S. 3:

QUOTATIONS FROM CASES (Continued):

The protections of the Fourteenth Amendment are aimed at "State Action of every kind . ." 109 U.S. 3 at 11.

UNITED STATES v. GUEST, 383 U. S. 745 at 755-56:

> "This is not to say, however, that the involvement of the State need be either exclusive or direct. In a variety of situations the Court has found state action of a nature sufficient to create rights under the Equal Protection clause even though the participation of the State was peripheral, or its action was only one of several co-operative forces leading to the constitutional violation."

Adickes v. S. H. Kress and Company, 398 U.S. 144 at 161:

The Court has described the problem as posing

> "polar opposites, each of which is easily identified and resolved. On the one hand, the Fourteenth Amendment plainly prohibits a State itself from discriminating because of race. On the other hand, Section 1 of the Fourteenth Amendment does not forbid a private party, not acting against a backdrop of state compulsoion or involvement, to discriminate on the basis of race in his personal affairs as an expression of his own personal predilections."

QUOTATIONS FROM CASES (Continued):

The Court's final characterization of what Burton involved is appropriate here:

> "But no State may effectively abdicate its responsibilities by either ignoring them or by merely failing to discharge them whatever the motive may be. It is of no consolation to an individual denied the equal protection of the laws that it was done in good faith. . . . . By its action the Authority, and through it the State, has not only made itself a party to the refusal of service, but has elected to place its power, propertyand prestige behind the admitted discrimination. The State has so far insinuated itself into a position of interdependence with Eagle that it must be recognized as a joint participant in the challenged activity, which, on that account, cannot be considered to have been so 'purely private' as to fall without the scope of the Fourteenth Amendment." 365 U. S. 715 at 725.

REITMAN v. Mulkey, 387 U.S. 369; at 376:

The Court described the situation as more than creating:

> ". . . . an existing policy of neutrality with respect to private discriminations, . . "

which California provision was declared invalid.

The Reitman majority stated:

> ". . .nothing less than conisidering a permissive state statute as an authorization to discriminate and as sufficient state action to violate

QUOTATIONS FROM CASES (Continued)

the Fourteenth Amendment in the context of that case." 387 U.S. 369 at 379.

The Reitman Court, in refering to the McCabe v. Atchison, Topeka & Santa Fe R. Co., 235 U. S. 151 stated:

". . . exemplify the necessity for a court to assess the potential impact of official action in determining whether the State has significantly involved itself with invidious discriminations." 387 U.S. 369 at 381.

In so viewing the California provision in the Reitman case, the Court concluded:

"Here we are dealing with a provision which does not just repeal an existing law forbidding private racial discriminations. Section 2b was intended to authorize, and does authorize, racial discrimination in the housing market. The right to discriminate is now one of the basic policies of the State. The California Supreme Court believes that the section will significantly encourage and involve the State in private discriminations. We have been presented with no persuasive considerations indicating that these judgments should be overturned." 387 U.S. 369 at 380-381.

Compare this with the present case. In the Meads case the State action is active not passive, discriminatory not neutral. Only the words 'political opinion, creed or association' need be substituted for the

The words 'physical size', 'shape', 'physiognomy' 'age-after 18', 'newness', 'oldness', 'major', 'minor'or any other type of classifying terms when applied to either natural or artificial entities are fully, compatibly, interchangeable with the word 'race' used by This Court.

Reitman v. Mulkey, 387 U.S. 369 at 378:

This Court repeated the words cited above in the Burton v. Wilmington Parking Auth. case.

Burton v. Wilmington Parking Authority, 365 U.S. 715:

In this case the government agency leased space to a private restaurant without any contractual requirement not to exclude customers on grounds of race, which it did. This Court noted:

> "x x contains no requirement that (the) restaurant services be made available to the general public on a nondiscriminatory basis . . . " 365 U.S. 715 at 720.

This Court found state action in the private act of discrimination. It did so because it found present a lease of public property to a private person for a private business use and thus"confers on each an incidental variety of mutual benefits," 365 U.S. 715 at 724; and

QUOTATIONS FROM CASES (Continued):

the Court noted, as well, that it could not ignore "especially in view of Eagle's (the restaurant's) affirmative allegation that for it to serve Negroes would injure its business, that profits earned by discrimination not only contribute to, but also are indispensable elements in, the financial success of a governmental agency." 365 U.S. 715 at724.

By considering all these facts, the Court found: "that degree of state participation and involvement in discriminatory action which it was the design of the Fourteenth Amendment to condemn." 365 U.S. 715 at 724.

It is a small step, if one at all, from Burton to this case. State offices or agencies and government employees list on ballots Democratic and Republican Parties and their candidates without requiring them to do what they insist the plaintiffs must do; and that the private Democrat and Republican Parties and their candidates and the State Governments run by Democrats and/or Republicans obtain mutual benefits from excluding competitors from the ballot and making them spend valuable time, energy and money to do things that it does not impose upon Democrat and Republican Parties and their candidates.

QUOTATIONS FROM CASES (Continued):

word 'race', which latter word is not cited in the Fourteenth Amendment.

Meads-Christian-Bull Moose takes Reitman to mean that while a State, if otherwise uninvolved, may choose not to abandon its uninvolved or neutral position in the face of racial discrimination, it cannot, if involved, refuse to act against discrimination or encourage it by its own position. This Court in 'Burton' denied that the State has the right to "abdicate its responsibilities" by ignoring or failing to discharge them.

This Court held that Capital Transit's actions in installing and operating the radio receivers involved the Government to the degree that Constitutional requirements applied. Public Utilities Commission of the District of Columbia v. Pollak, 343 U.S. 451. Its language is directly relevant to the present case:

> "These amendments concededly apply to and restrict only the Federal Government and not private persons . . .
>
> We find in the reasoning of the court below a sufficiently close relation between the Federal Government and the radio serviceto make it necessary for us to consider those Amendments. In finding this relationwe do not rely on the mere fact that Capital Transit operates a public utility on

QUOTATIONS FROM CASES (Continued):

> the streets of the District of Columbia under the authority of Congress. Nor do we rely on the fact that, by reason of such federal authorization, Capital Transit now enjoys a substantial monopoly of street railway and bus transportation in the District of Columbia. We do, however, recognize that Capital Transit operates its service under the regulatory supervision of the Public Utilities Commission of the District of Columbia which is an agency authorized by Congress. We rely particularly upon the fact that the agency, pursuant to protests against the radio program, ordered an investigation of it and, after formal public hearings, ordered its investigation dismissed on the ground that the public safety, comfort and convenience were not impaired thereby.
>
> We, therefore, findit appropriate to examine into what restriction, if any, the First and Fifth Amendments place upon the Federal Government under the facts of this case, assuming that the action of Capital Transit in operating the radio service, together with the action of the Commission in permitting such operation, amounts to sufficient Federal Government action to make the First and Fifth Amendments applicable thereto." 343 U.S. 451 at 462-63.

We take this language to apply equally to a State Government under the Fourteenth Amendment, Thirteenth Amendment, First Amendment, Ninth and Tenth Amendments, and Article IV and VI, where the violation is deprivation

QUOTATIONS FROM CASES (Continued):

of the people's and plaintiffs right to exercise their constitutional right to fully and effectively govern through nondiscriminatory elections, and election procedures. True, this Court later found no violation in the Capital Transit case, but the other principles cited in that decision are believed to apply here. It is also believed that there are decisions in similar cases to Capital Transit where the rulings were that such 'forced listening' is unconstitutional.

SEIDENBERG v. MCSORLEY'S OLD ALE HOUSE, INC., 317 F. Supp. 593 (S.D.N.Y. 1970), this Court found as did the court below a "pervasive regulatory scheme" and concluded:

> "When a state licenses such an enterprise, in an area peculiarly subject to state regulation, pursuant to a statute imposing pervasive controls upon the conduct of the business, and under circumstances in which state licensing practices endow the license with a certain franchise value as well, the state's involvement in the operation of defendant's business, and hence by implication in the exclusionary practice under attack, rises to the level of significance within the meaning of Burton . . ." at 604-05.

Finding state action and no rational basis for the exclusion of women this Court ruled

that McSorley's must open its doors to women, though after the decision there was no significant usage of such rulingby that sex. These rulings and principles have strangely not been applied to 'political discrimination by the States and the U.S. Congress in favor of the Democratic and Republican Parties and their candidates and appointees and elected officals and against the plaintiffs and others'. The people are surprised, perplexed and anguished at the absence of equal application to political discrimination by the Government. Government property, facilities and funds are used to hold and pay for primaries for the Democratic and Republican Parties, which are private poltiical organizations ostensibly. If not, then it must be admitted that the Democrat and Republican Parties are either Government parties or Quasi-government political parties, which is equally unconstitutional.

LEMON v. KURTZMAN, 91 S. Ct. 2105 in a decisiion of this Court dated June 28, 1971 state aid to elementary and secondary schools in Rhode Island and Pennsylvania unconstitutional. It did so because it found:

> " . . . that the cumculative impact of the entire relationship arising under the statutes in each state involves exces-

QUOTATIONS FROM CASES (Continued):

sive entanglement between Government and religion" 91 S. Ct. 2105 at 2112.

Invidious discrimination is is entwined with irrationality or maliciousness or hypocrisy. The presence of any one of these qualities would make any type discrimination invid ious. The feelings between and about politicians and political parties is rarely not malicious; but in addition the hypocrisy of the Democrat and Republican politicians in creating legislation, rules and regulations and implementory acts favorable to themselves is well known; but in addition they have obviously avoided the logical course and constitutional parameters for honest, nondiscriminatory elections by scheduling with public funds, open, geographical primaries that would treat all political entities equally and commonly-- but instead they rig a wide variety of laws and regulations to entangle the government in what is supposed to be private, Democratic and Republican Party matters -- which inevitably leads to outrageous, despiccable, anti-social discrimination in election processes and the defrauding of the people of their right to fully and freely determine their government and their officials.

QUOTATIONS FROM CASES (Contined):

LOVING v. VIRGINIA, 388 U.S. 1 at 10, the court said: "The clear and central purpose

> of the Fourteenth Amendment was to eliminate all official state sources of invidious racial discrimination in the states."

HUNTER v. ERICKSON, 393 U.S. 385 at 391-92, the Court said:

> ". . . racial classifications are 'constitutionally suspect', . . . and subject to the 'most rigid scrutiny', . . . They 'bear a far heavier burden of justification' than other classifications . . ."

We agree except for one exception, and that is 'political discrimination' conceived, designed and implemented to usurp the constituional right of the people to determine fully, freely and effectively their government and officials -- without which right no issue would ever be made on racial discrimination. Before we reach the latter, the right of the people to govern themselves would have to be established. Since that condition is supposed to exist, but does not this matter must be presented to this Court.

SCHWARE v. BOARD OF BAR EXAMINERS, 353 U.S. 232 at 238-239, the Court said:

> ". . . but any qualification must have

QUOTATIONS FROM CASES (Continued):

> a rational connection with the applicant's fitness or capacity . . ."

and,

> ". . . an applicant could not be excluded (from the practice of law) merely because he was a Republican or a Negro or a member of a particular church . . ."

And so the plaintiffs cannot be excluded from the ballot in any State for any federal office if they meet the requirements for those positions set in the U.S. Constitution; and no Democrat or Republican State Administration can implement rules, regulations and laws created by Democrats and Republicans for the benefit of Democrat and Republican politicians without being 'rationally dishonest and undemocratic' and irrationally honest if they did not conceive, create and implement such obviously discriminatory provisions. Thus, it is believed that what the Court has considered in the past is the apparent 'rationality' of the Democratic and Republican politicians in various State action including legislative in rigging matters to insure that they will remain in control of government and election machinery permanently. But this 'rationality' is fundamentally immoral, dishonest and undemocratic -- which is far more basic in considering discrimination than

QUOTATIONS FROM CASES (Continued):

the element 'rationality'. Greed is usually quite 'rational' on its face, as is 'hypocrisy'

BATES v. LITTLE ROCK, 361 U.S. 516 at 528, the writers of the concurring opinion note that among those rights protected by the First and Fourteenth Amendments,

> "one of those rights, freedom of assembly, includes of course freedom of association . . ."

Without exception, application of the right of private association has been sustained to protect a free expression of political beliefs and interests, but not to support the monopolization of State power by rigging federal and State laws to establish a permanent control of election machineryso that no effective opposition can ever displace them considering the time-money parameters of the discriminatory conditions they erect to benefit themselves and prejudice their opponents.

N. A. A. C. P. v. Alabama, 357 U.S. 449, the Court was faced with an effort by the State to compel a private organization to produce its membership lists, and the Court stated:

> "Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this

QUOTATIONS FROM CASES (Continued):

> Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly . . . . It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech . . . Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters, and state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny." at 460-61

In the context of the case before it, the Court stated:

> ". . . Compelled disclosure of affiliation with groups engaged in advocacy"

may restrain freedom of association and, further,

> "Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." 357 U.S. 449 at 462.

In BATES v. LITTLE ROCK, 361 U.S. 516, the Court dealt with a municipal license tax ordinance requiring the submission of membership lists. Upon objection of a private organization, the court stated:

QUOTATIONS FROM CASES (Continued):

> "And it is now beyond dispute that freedom of association for the purpose of advancing ideas and airing grievances is protected by the Due Process Clause of the Fourteenth Amendment from invasion by the States." (At 523)

WILLIAMS v. RHODES, 393 U.S. 23, certain restrictive provisions of Ohio's election laws were challenged. The Court noted:

> ". . . the right of individuals to associate for the advancement of political beliefs . . ."

is included in the First Amendment's protection of freedom of association. (At 30).

HOUSE OF REPRESENTATIVES DOCUMENT 124, 88th Congress, 1st Session,(p. 5):

> "Clearly the Federal Government has both the power and the obligation to eliminate these discriminatory practices: first, because they adversely affect the national economy and the flow of interstate commerce; and secondly, because Congress has been specifically empowered under the 14th Amendment to enact legislation making certain that no State law permits or sanctions the unequal protection or treatment of any of its citizens."

While many read this as applying to racial matters, many others considered it as applying to religious, ethnic, economic, social class and political discriminatory actions, such as the Meads-Christian-Bull Moose case.

QUOTATIONS FROM CASES (Continued):

HOUSE OF REPRESENTATIVES Report No. 914, 88th Congress, 1st Session for H.R. Bill No. 7152 stated:

> "No bill can or should lay claim to eliminating all of the causes and consequences of racial and other types of discrimination against minorities . . .
>
> "It is, however, possible and necessary for Congress to enact legislation which prohibits and provides the means of terminating the most serious type of discrimination."

CIVIL RIGHTS CASES, 109 U.S. 3 at 20, the Court stated:

> "By its own unaided force and effect, (the Thirteenth Amendment) abolished slavery and established universal freedom."

and:

> (The Thirteenth Amendment)"is not a mere prohibition of State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States."

Congress' power to implement this Amendment allows it

> "to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States."

and includes the power to enact laws:

> "direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not." (At 23

QUOTATIONS FROM CASES (Continued):

GRIFFIN v. BRECKENRIDGE, 91 S. Ct. 1790 at 1799-1800 states:

> (the) "varieties of private conduct which (Congress) may make criminally punishable or civilly remediable extend far beyond the actual imposition of slavery . . ."

All of these pronouncements of the meaning of the Thirteenth Amendment, made in an 1883 decision, remain valid as ever today. Jones v. Mayer Co., 392 U.S. 409 at 438-39.

CIVIL RIGHTS ACT OF 1866 (42 U.S.C. 1981)

It states:

> "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

This provision applies to private parties; no state action need be shown. See Jones v. Mayer Co., 392 U.S. 409.

QUOTATIONS FROM BOOKS AND PERIODICALS:

Black, Forward: "State Action," Equal Protection and California's Proposition 14, The Supreme Court, 1966 Term, 81 Harv. L. Rev. 69

QUOTATIONS FROM BOOKS AND PERIODICALS (Cont.):

1967 at 70-71. Mr. Black has described the "no state action" contention as the main support for the "maintenance of de facto racism" in our society and asserted the position that the guarantee of "equal protection" should mean that "members of a race are to be shielded in the most ample way from any incidence of governmental power that works their disadvantaging by virtue of their race . . . " The Supreme Court has consistently affirmed the breadth of the Fourteenth Amendment but often failed to draw absolute lines of demarcation.

BALTZELL, E. DIGBY, The Protestant Establishment--Aristocracy & Caste in America (New York, 1964)p. 368 makes the following point:

> ". . . in contrast to the dominant majority of Anglo-Saxon Protestants who dismiss the matter as a 'private and personal problem,' the members of minority groups are keenly sensitive to institutionalized exclusion of members of their own groups regardless of their merits and manners."

TIME MAGAZINE, Asian Edition, November 20, 1978 (Time Essay)states;

> "x x x Toby Moffett, 34, a Democratic Connecticut Congressman who was not even a member of the party until a couple of weeks before he filed in 1974, . . ."

QUOTATIONS FROM BOOKS AND PERIODICALS (Cont)

TIME MAGAZINE, Asian Edition, January 28, 1980 (p. 18,19)

> "Writes Chicago Lawyer Newton Minow, former chairman of the FCC: "The current version of primaries turns the decision over to what, in a sense, is a new kind of political boss. A small handful of party activists dominate the primaries. The result is a process that tends to fragment rather than unify and to confuse rather than enlighten."
>
> "Without abolishing the primaries as Barry Goldwater has proposed, the role of party leaders and officeholders can be increased. Minneapolis Attorney David Lebedoff, a longtime activist in Minnesota's Democratic Farmer-Labor Party, asks: "If we have representative government, why can't we have representative politics? No one says that there should be a town meeting of 100 million people through two-way TV for a vote on the SALT treaty."

Most legislators do not know or understand any more about SALT than the average man in the street; but national referenda are not permitted because the Democrat-Republican politicians want to monopolize power. If the Christian-Bull Moose-FTP, national referenda would be routine every year for people issues.

TIME MAGAZINE, Asian Edition, April 14, 1980 (page 29) Time Essay states:

QUOTATIONS FROM BOOKS AND PERIODICALS(Cont)

"x x x The current system, says Chicago Lawyer Newton Minow, who was Federal Communications Commission chairman under President Kennedy, is "guaranteed to give us bad choices."

and: "Carter vs. Reagan. A President who has presided over a series of foreign policy calamities and a ruinous inflation, challenged by an aging actor who is widelyviewed as a simplistic right-wing idologue. This choice disturbs 58% of the voters, polled by Yankelovitch, Skelly & White, who wish there were an acceptable alternative. And it also bothers many foreign observers, including diplomats who will have to deal with the eventual winner."

TIME MAGAZINE, Asian Edition, April 21, 1980 (page - letters):

"As a resident of Ohio, I am being cheated by the people of New Hampshire, Massachusetts and other states of the chance to vote for certain presidential candidates because they have already been eliminated. By June 3, when I get my chance at the ballot box, the field will be even narrower.

"James E. Latham
Youngstown, Ohio"

TIME MAGAZINE, Asian Ed., June 2, 1980, page 24:

"A TIME poll shows people want him to run, even if he loses."

and: "No less than 55% continue to express unhappiness with a choice between Reagon and Carter as the

QUOTATIONS FROM BOOKS AND PERIODICALS(Cont)

nominees of the two major parties."

and:

". . .Four out of every five people interviewed continue to say that the country is in "deep and serious trouble." And the array of presidential candidates seems to offer little hope to the electorate. Asked which candidate personally interested or excited them, only 12% of the voters answer this revealing question by saying Reagan, 10% say Anderson, 8% say Kennedy, 6% say Bush, 6% say Carter. The final verdict on which presidential contenders excite Americans: 45% answer "none".

TIME MAGAZINE, Asian Ed. , June 16, 1980, page 17, states:

". . .With Carter's blessing, however, the Democratic National Committee last week set aside $225,000 to hire lawyers who will try to keep Anderson off the ballot in 13 key states, including California, New York and Ohio."

AND THE June 30, 1980 issue, states:

". . .may now get as much as $18 million, far less than the $29.4 million Carter and Reagan will receive in federal funds . . ."

AGENCE FRANCE PRESSE news dispatch dated June 11, 1980 states:

"When an independent group called "Americans for Change" proclaimed the start of a drive to raise up to $30 million for presidential hopeful Ronald Reagan and other Republican

QUOTATIONS FROM BOOKS AND PERIODICALS (Cont)

candidates, press coverage was scanty. But some critics say the drive is an attack on the spirit, if not the letter, of one of the most important campaign reforms of the 1970s - public funding of presidential elections."

THE CHRISTIAN SCIENCE MONITOR NEWS SERVICE NEWS REPORT DATELINED Wash. D.C. published in Manila on June 4, 1980:

" . . .President Carter's campaign lawyers are "looking at ballot-access laws in the different states" to ready a legal blockade, if necessary, to limit losses in November to the Illinois congressman, a Jimmy Carter-Walter Mondale campaign spokesman said."

PHILIPPINES DAILY EXPRESS, issue of June 9, 1980, news dispatch from Washington, D. C.:

"Out of the estimated 90 million American voters, only about 4 million actually participated in the present primary elections."

ASSOCIATED PRESS NEWS DISPATCH, Bonn, West Germany, June 16, 1980 states:

"CARTER, REAGAN: 'They are all we have'"

and:

"The prospect of a US presidential finale between President Carter and Ronald Reagan has stunned many Western Europeans and raised new doubts about the future of American leadership.
"In a commentary echoing sentiment

QUOTATIONS FROM BOOKS AND PERIODICALS (Cont)

> heard across Europe, the prestigious French daily Le Monde asked: "How can the most powerful democracy in the world find itself reduced to a choice between candidates of so little weight?"

TIME MAGAZINE, Asian Ed., April 28, 1980, page 48 states:

> "With the addition of Combined Communications, Gannett last year passed the billion-dollar mark in revenues for the first time. Earnings were $134 million, up 19% over the previous year and 486% for the decade.
>
> "Neuharth is ever ready to pounce when a newspaper comes up for sale, but lately he has become anxious to broaden Gannett's base."

and:

> ". . .At a meeting of investors and securities analysts in New York City some years ago, Neuharth was asked whether his company's name was pronounced Gannett or Gan-nett. "Money", he replied."

and in the issue of May 26,1980, page 34:

> "Chiles critics have recently begun to get mad too. Texas stations carrying Chiles' messages have been accused of violating the Federal Communications Commission's "fairness doctrine," which requires the airing of opposing views. . ."

QUOTATIONS FROM BOOKS AND PERIODICALS (Cont)

PHILIPPINE NEWS AGENCY news dispatch dated June, 1980 stated:

> "Referring to statistics, the Stanford professor said that while 120,000 words of daily news flow into the AP from bureaus all over the world, only about 5,000 words are actually used by the newspapers of a typical middle-sized city in the United States."

LETTER OF INTERNATIONAL CIVIL LIBERTIES COUNCIL dated October 30, 1978 to The Chairman, United Nations Commission on Human Rights Geneva, Switzerland:

> ". . .we are therefore bringing to your attention the complaint of many Americans that they do not have any access to the Supreme Court of the United States because the internal Rules approved, applied and in force in the United States Supreme Court violate the Civil Rights Acts of the United States as well as its Constitution."

and:

> "Violations of civil, political, constitutional and human rights are done to people who by their weak situation usually tolerate and are expected to tolerate such abuses and violations. If they cannot have ready access to the judiciary, especially the highest judicial body in the United States, then the Supreme Court becomes either a witting or unwitting accomplice in

QUOTATIONS FROM BOOKS AND PERIODICALS (Cont)

> THE VIOLATIONS THEMSELVES -- AND AS STATED does precisely that by making it literally impossible for people with complaints of civil, political, constitutional and human rights violations to obtain a genuinely serious and fair hearing. Thus, the outside world never hears of these violations and abuses because of the action of the Supreme Court of the United States in shutting them off completely by the nature of their own Rules of procedure!"